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After Final Reply dated 28 February 2007  
Responsive to Final Office Action mailed on 4 January 2007

#### REMARKS

##### **Request for consideration of this Reply after Final Action**

This Reply is being submitted after a Final Office Action. It is believed that the present claim amendment places the pending claims in condition for allowance. Accordingly, it is requested that this Reply and the claim amendment contained herein be admitted and considered.

In addition, please note that this Reply is being submitted within two months of the date of mailing of the Final Office Action. Accordingly, a timely Advisory Action is requested prior to the three-month date in accordance with MPEP 714.13.

##### **Amendment to the claims**

Each of the independent claims, *i.e.*, each of Claims 1, 15, and 17, has been amended to recite that the fecal material storage element extends contiguously between its laterally opposing longitudinal side edges, which are disposed on opposing sides of the longitudinal axis of the claimed article. Support for this recitation is found throughout the specification and drawings as originally filed, including in Figures 1 and 2.

##### **Claim Rejections**

##### Claims 1, 3, 5-11, and 14 over Mason

These claims were rejected under 35 U.S.C. § 102(b) or in the alternative under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent 3,559,648 to Mason ("Mason" hereinafter).

Claim 1 has been amended to recite that the fecal material storage element extends contiguously between its laterally opposing longitudinal side edges, which are disposed on opposing sides of the longitudinal axis of the claimed article. As explained in the previous Reply, this structure of the fecal material storage element is appropriate for the intended purpose of collecting and retaining low-viscosity fecal material as close as practical to its point of deposit from the anal opening of the wearer, which is typically situated along the longitudinal axis of the worn article.

In the Office Action, the infolded panel portions 25 of Mason's absorbent pad 10 were equated to the claimed fecal material storage element. However, Mason's two laterally opposed panel

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portions 25 that are folded laterally inward toward the centerline, or longitudinal axis, of the diaper do not meet, thus leaving a centrally located gap between them. In particular, the panel portions 25 are infolded to deliberately leave a centrally located channel 30, which Mason states prevents "over saturating a localized area of the pad by dispersing the waste fluid throughout substantially the entire pad area". Please see column 2 at lines 28 through 34, column 2 at line 69 through column 3 at line 3, other portions of the text, Claim 2, and Figures 2, 3, and 5.

Hence, Mason's panel portions 25 are not equivalent to the claimed fecal material storage element, which extends contiguously between its laterally opposing longitudinal side edges, which are disposed on opposing sides of the longitudinal axis of the claimed article. Instead, one of Mason's panel portions is disposed entirely on one side of the longitudinal axis of the article and the other panel portion is disposed entirely on the other side of the longitudinal axis of the article. In other words, neither of the panel portions extends contiguously between laterally opposing longitudinal side edges, which are disposed on opposing sides of the longitudinal axis of the article.

Thus, Mason fails to teach or disclose all the limitations of Claim 1 and thereby fails to anticipate this claim. In addition, Mason provides no suggestion or motivation to modify its teachings to make the present invention. Instead, it teaches the desirability of the central channel and, by doing so, also makes it apparent that the elimination of the central channel would render the resultant diaper unsuitable for its intended purpose.

Therefore, the requirements for an anticipation rejection and those for the establishment of a *prima facie* case of obviousness have not been met with respect to Claim 1 or Claims 3, 5 through 11, and 14, which depend from Claim 1 and thereby contain all of its limitations. Accordingly, it is respectfully requested that the rejections of Claims 1, 3, 5-11, and 14 over Mason be withdrawn.

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Claims 2, 4, 12, 13, and 15-20 over Mason in light of Matthews *et al.*

These claims were rejected under 35 U.S.C. § 103(a) as being unpatentable over the same U.S. Patent 3,559,648 to Mason in view of U.S. Patent 4,397,644 to Matthews *et al.*

As noted above, the Mason reference is insufficient for the rejection of Claim 1. Independent Claims 15 and 17 likewise contain the aforementioned limitations discussed with respect to Claim 1 and thus are not properly rejected over Mason, for the same reasons as Claim 1. The incorporation of the bonding disclosed in the Matthews *et al.* reference as proposed in the Office Action fails to correct the deficiencies noted above with respect to Claim 1.

Therefore, the requirements of MPEP 2142 and MPEP 2143 for the establishment of a *prima facie* case of obviousness have not been met with respect to independent Claims 1, 15, and 17. The rejected dependent claims depend from these independent claims and thereby contain all of their limitations. Accordingly, it is respectfully requested that the rejections of Claims 2, 4, 12, 13, and 15-20 over Mason in light of Matthews *et al.* be withdrawn.

Claims 13, 15, and 16 over Mason in view of Matthews *et al.*, Jones, and Meyer *et al.*

These claims were rejected under 35 U.S.C. § 103(a) as being unpatentable over the same U.S. Patent 3,559,648 to Mason in view of the same U.S. Patent 4,397,644 to Matthews *et al.* and further in view of U.S. Patent 3,593,717 to Jones and U.S. Patent 4,798,603 to Meyer *et al.*

As noted above, the Mason and Matthews *et al.* references are insufficient for the rejections of Claim 1, from which Claim 13 depends, and of Claim 15 and Claim 16, which depends from Claim 15. The incorporation of aspects of the disclosures of the Jones and Meyer *et al.* references as proposed in the Office Action fails to correct the deficiencies noted above with respect to the requirements of MPEP 2142 and 2143.

Therefore, the requirements of MPEP 2142 and MPEP 2143 for the establishment of a *prima facie* case of obviousness have not been met with respect to Claims 13, 15, and 16. Accordingly, it is respectfully requested that the rejections of these claims be withdrawn.

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**Summary of this Reply**

The independent claims have been amended. The rejections of claims have been argued. No new matter has been added.

It is believed that the present amendment places the pending claims in condition for allowance. Accordingly, their allowance is respectfully requested.

Respectfully submitted,  
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